

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

EARL SCHLEBEN, #302986,  
Plaintiff,

v.

SGT. JAMES CLIFFORD, et al.,  
Defendants.

Case No. 07-13012  
Hon. Anna Diggs Taylor  
Magistrate Judge Steven Whalen

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**ORDER ACCEPTING MAGISTRATE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Steven Whalen's Report and Recommendation of September 15, 2008, granting Defendant's Motion for Dismissal.

The Court has reviewed the file, the Magistrate Judge's Report and Recommendation, and Plaintiff's objections. The Court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

Therefore, the Court will accept the Magistrate's Report and Recommendation of September 15, 2008 as the findings and conclusions of this Court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Whalen's Report and Recommendation of September 15, 2008 is ACCEPTED and ADOPTED.

IT IS SO ORDERED.

DATED: October 3, 2008

s/Anna Diggs Taylor  
ANNA DIGGS TAYLOR  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail (**Earl Schleben, Parnall Correctional Facility, 1780 E. Parnall, Jackson, MI 49201**) disclosed on the Notice of Electronic Filing on October 3, 2008.

s/Johnetta M. Curry-Williams  
Case Manager